

FILED

JAN 23 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KRISTAL PATRICIA LEONARD,

Defendant.

CR 19-49-M-DLC

ORDER

Before the Court is Defendant Kristal Patricia Leonard's Motion in Limine seeking a pretrial ruling on Leonard's request to present a duress defense at trial and to receive a jury instruction on duress. (Doc. 51.) Leonard requests a separate hearing on this motion. (*See* Doc. 51-1 at 1.) Leonard's brief in support of her motion details the evidence that she intends to offer at trial. (*See* 51-1.) The Government opposes the motion on the ground that it is premature. (Doc. 53.) The Court agrees.


A motion in limine is used to seek an advance ruling on evidence the parties intend to introduce at trial. The decision on a motion in limine is consigned to the district court's discretion—including the decision of whether to rule before trial at all. *United States v. Bensimon*, 172 F.3d 1121, 1127 (9th Cir. 1999).

A motion in limine “should not be used to resolve factual disputes or weigh evidence.” *BNSF Ry. v. Quad City Testing Laboratory, Inc.*, 2010 WL 4337827, at *1 (D. Mont. Oct. 26, 2010). While a motion in limine may save “time, costs, effort and preparation” . . . “a court is almost always better situated during the actual trial to assess the value and utility of evidence.” *BNSF Ry. v. Quad City Testing Laboratory, Inc.*, 2010 WL 4337827, at *1 (D. Mont. Oct. 26, 2010).

Here, the advance ruling that Leonard seeks is not one that will save “time, costs, effort [or] preparation.” *Id.* If anything, conducting a hearing on this matter and ruling in advance of trial contravenes judicial efficiency and costs the parties additional time. However, the Court assures Leonard that she is welcome to introduce all admissible evidence relevant to any defenses she may have. Once the Court has seen this evidence, the Court will offer the jury any instruction that is appropriate. *See United States v. Sotelo-Murillo*, 887 F.2d 176, 179 (9th Cir. 1989).

IT IS ORDERED that Leonard’s Motion in Limine (Doc. 53) is DENIED.

DATED this 23rd day of January, 2020.


Dana L. Christensen, Chief Judge
United States District Court